

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

UNITED STATES OF AMERICA,	)	
	)	
v.	)	
	)	Docket No. 17-cr-171-NT
RYAN MUMME,	)	
	)	
Defendant.	)	

**ORDER ON DEFENDANT’S RENEWED MOTION TO WITHDRAW PLEA**

Before me is Defendant Ryan Mumme’s renewed motion to withdraw his conditional plea of guilty. (ECF No. 93). It is apparent that the Defendant’s motion is predicated entirely on his belief that if his plea is withdrawn, I will permit him to reopen and to relitigate his motion to suppress. The Defendant is mistaken. As the Defendant’s current attorney has informed him, *see* Def.’s Renewed Mot. 4, none of the errors that the Defendant perceives in his first attorney’s handling of the motion to suppress provide grounds to reopen that motion.<sup>1</sup> The motion to suppress is therefore settled in this forum, and I will not allow the Defendant to withdraw his plea in order to pursue a fruitless effort to reopen suppression. *See* Fed. R. Crim. Pro. 11(d)(2)(B) (defendant may withdraw a guilty plea only upon showing of a fair and just reason for withdrawal). The Defendant may pursue the relief he seeks through

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<sup>1</sup> To the extent that the Defendant believes that he had a winning argument regarding curtilage and trespass, I note for the avoidance of doubt that I would not have agreed with the Defendant’s theory even had his first attorney further pursued that argument at the suppression hearing. The Defendant was interviewed by the agents in a field behind his house where he parked his vehicle. Although defense counsel conceded that the area was not within the curtilage of the Defendant’s residence, I would have found as much without the concession. Therefore, *Collins v. Virginia*, 138 S. Ct. 1663 (2018), cited by the Defendant in his renewed motion, does not alter my assessment of the strength of the Defendant’s suppression argument.

direct appeal of my order on the motion to suppress or through a motion under 28 U.S.C. § 2255. The Defendant's motion is **DENIED**.

SO ORDERED.

/s/ Nancy Torresen  
United States District Judge

Dated this 6th day of May, 2019.